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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,043	07/08/2003	Paul Aloysius Schmidt	95-499	6704
23164	7590	08/28/2007		
LEON R TURKEVICH 2000 M STREET NW 7TH FLOOR WASHINGTON, DC 200363307			EXAMINER NGUYEN, QUYNH H	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 08/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/614,043	Applicant(s) SCHMIDT ET AL.	
	Examiner Quynh H. Nguyen	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 8-11, 17-20, and 26-27 is/are rejected.
- 7) ☐ Claim(s) 3-7, 12-16 and 21-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 10/8/03 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 8-11, 17-20, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pester (US Patent 5,563,930) in view of McCann et al. (US Patent 7,068,773).

As to claims 1, 10, and 19, Pester teaches a method in a signaling network node having a prescribed point code (abstract; col. 2, lines 15-42) comprising:

detecting a prescribed condition for at least an affected signaling node associated with a corresponding affected point code (col. 11, lines 1-5);

generating a route management signaling message in response to the prescribed condition (col. 11, lines 5-6), by:

Art Unit: 2614

inserting an originating point code, a destination point code, and an affected point code into the message (col. 11, lines 6-14);

selecting a signaling link selection value based on the affected point code (col. 12, lines 37-41);

routing signaling message onto a signaling network for delivery to the destination signaling node (col. 59, lines 11-25).

Pester does not explicitly teach detailing steps of inserting the prescribed point code into an originating point code field, a destination point code into a destination point code field, the affected point code into a third point code field, and the signaling link selection value into a prescribed signaling link selection field; and routing signaling message via a path selected based on the signaling link selection value.

McCann et al. teaches of inserting the prescribed point code into an originating point code field, a destination point code into a destination point code field, the affected point code into a third point code field, and the signaling link selection value into a prescribed signaling link selection field (col. 1, line 56 through col. 2, line 8); and routing signaling message via a path selected based on the signaling link selection value (abstract; col. 1, lines 47-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of McCann into the teachings of Pester for the purpose of having a more efficient system by improving the system and method of link set selection in networks and better balancing load sharing.

Art Unit: 2614

As to claims 2, 11, and 20, McCann et al. teaches generating the route management signaling message as an SS7 Message Transfer Part 3 route management message (col. 4, lines 16-41).

Claims 8, 17, and 26 are rejected for the same reasons as discussed above with respect to claim 1.

As to claims 9, 18, and 27, Pester teaches identifying an available outbound link based on accessing a signaling link selection - outbound link table configured for identifying an assigned available outbound link (col. 12, lines 22-48).

Allowable Subject Matter

4. Claims 3-7, 12-16, and 21-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 3, 12, and 21, prior arts or records fail to teach, or render obvious, alone or in combination a method in a signaling network node having a prescribed point code, the method comprising: detecting a prescribed condition for at least an affected signaling node associated with a corresponding affected point code; generating a route management signaling message in response to the prescribed condition, by: (1) first inserting the prescribed point code into an originating point code field, a destination point code for a corresponding destination signaling node into a destination point code field, and the affected point code into a third point code field, (2) selecting a signaling link selection value based on the affected point code, and (3) second inserting

Art Unit: 2614

the signaling link selection value into a prescribed signaling link selection field in the route management signaling message; and outputting the route management signaling message onto a signaling network for delivery to the destination signaling node via a path selected based on the signaling link selection value, wherein the selecting step includes: determining whether the affected point code identifies a cluster that includes the affected signaling code; and selecting a first portion of the affected point code that distinguishes the prescribed cluster from other clusters for generation of the signaling link selection value, if the affected point code identifies the cluster relative to the other clusters.

Claims 4-7, 13-16, and 22-25 are objected because they depend on objected claims 3, 12, and 21, respectively.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ibanez-Meier et al. (US Patent 6,144,654) teaches method of combining and separate groups of multiple CDMA-encoded data signals and apparatus therefor.

Lindquist (US Patent 5,838,782) teaches system for converting a routing address within a telecommunications network.

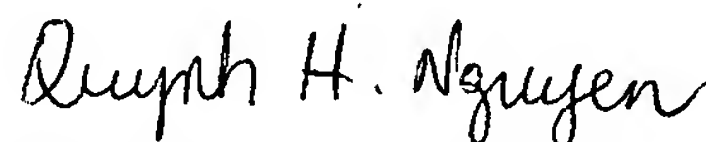
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-

Art Unit: 2614

7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Quynh H. Nguyen
Primary Examiner
Art Unit 2614